

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

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HYPERPHRASE TECHNOLOGIES, LLC and
HYPERPHRASE, INC.,

Plaintiffs,

v.

MICROSOFT CORPORATION,

Defendant.

Civil Action No. 02-C-0647 C

Chief Judge Barbara B. Crabb
Magistrate Judge Stephen L. Crocker**DEFENDANT MICROSOFT CORPORATION'S NOTICE AND
UNOPPOSED MOTION FOR LEAVE TO FILE ERRATUM TO MOTION
FOR SUMMARY JUDGMENT OF NO LIABILITY**

PLEASE TAKE NOTICE that Defendant Microsoft Corporation ("Microsoft") hereby moves the Court for leave to file an Erratum to its motion for summary judgment of no liability. Plaintiffs HyperPhrase Technologies, LLC and HyperPhrase, Inc. (collectively "HyperPhrase") do not oppose this motion.

Microsoft filed its motion for summary judgment on June 26, 2003 along with proposed findings of fact and other supporting documents. Microsoft's proposed findings of fact should have included a group of factual findings relating to one of the patents in suit. These findings were inadvertently omitted. Indeed, other documents filed by Microsoft on the same day cite directly to these missing paragraphs. For instance, Microsoft's invalidity claim charts, which are exhibits to the memorandum in support of the motion for summary judgment, include cites to these paragraphs. Microsoft has also added a table of contents to the proposed findings of fact and included a few cross-references to other supporting paragraphs.

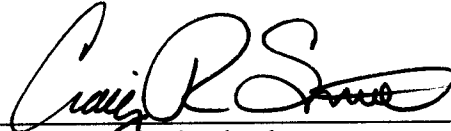
All of these changes are set forth in the attached Erratum. For the Court's convenience, Microsoft has also attached a copy of the proposed findings of fact with all of the changes incorporated.

Based upon the foregoing, Microsoft respectfully requests that the Court grant this unopposed motion and substitute the attached proposed findings of fact for the original findings filed with the Court on June 26.

Dated: July 7, 2003

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CERTIFICATE OF SERVICE

I certify that on July 7, 2003 true and correct copies of the following documents were served on counsel for Plaintiffs:

1. DEFENDANT MICROSOFT CORPORATION'S NOTICE AND UNOPPOSED MOTION FOR LEAVE TO FILE ERRATUM TO MOTION FOR SUMMARY JUDGMENT OF NO LIABILITY;
2. ERRATUM; and
3. DEFENDANT MICROSOFT CORPORATION'S PROPOSED FINDINGS OF FACT IN SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT

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